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DEC 08 2004

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey M. Sieracki, et al.	:	
Application No. 10/696,781	:	DECISION GRANTING
Filed: October 29, 2003	:	PETITION
Attorney Docket No. 1023-224US01	:	

This is a decision on the petition filed November 25, 2003, requesting that the above-identified application be accorded a filing date of October 29, 2003, rather than the presently accorded date of October 28, 2003, as shown on a recently received postcard receipt. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on October 29, 2003. In support, the petition is accompanied by a copy of Express Mail receipt No. ET987500466US, showing a "date-in" of October 29, 2003, and a copy of a USPS sales receipt for the same Express Mail label number dated October 29, 2003. The same Express Mail receipt number was referred to in the original application papers found in the file.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on October 29, 2003.

This application file is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of October 29, 2003 and mailing of a corrected filing receipt.**

Telephone inquiries concerning this matter may be directed to Marianne Jenkins at (703) 306-3475.

Brian Hearn
Senior Petitions Examiner
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for Patent Examination Policy